

TIMOTHY J. RACICOT
Assistant U.S. Attorney
U.S. Attorney's Office
P.O. Box 8329
Missoula, MT 59807
105 E. Pine, 2d Floor
Missoula, MT 59802
Phone: (406) 542-8851
FAX: (406) 542-1476
Email: Tim.Racicot2@usdoj.gov

ATTORNEY FOR PLAINTIFF
UNITED STATES OF AMERICA

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION**

UNITED STATES OF AMERICA, Plaintiff, vs. JONATHAN LEE OLIVER, Defendant.	CR 13-34-M-DWM MOTION FOR FINAL ORDER OF FORFEITURE
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The United States of America, by and through Timothy J. Racicot, Assistant U.S. Attorney for the District of Montana, hereby moves for a Final Order of Forfeiture. A proposed order is submitted with this motion.

1. Oliver has been convicted of wire fraud, money laundering, and structuring as alleged in Counts 1, 97, and 105 of the Indictment in this case. In the Indictment, the United States gave notice to Oliver that, in the event of his

conviction, he would be required to forfeit to the United States any property, real or personal, that constitutes or was derived from proceeds traceable to the wire fraud, was involved in the money laundering, and was involved in or traceable to the structuring.

2. On February 6, 2014, Oliver entered into a plea agreement with the United States in which he agreed to plead guilty to Counts 1, 97, and 105 of the Indictment and admit the forfeiture allegations.

3. On July 22, 2014, the Court sentenced Oliver to 100 months imprisonment, three years of supervised release, restitution in an amount to be determined by separate order, and \$300 in special assessments. The Court also ordered the forfeiture of \$6,468,186.33.

4. The United States has not, as of this date, identified specific assets derived from Oliver's crimes that can be seized and forfeited. Nor has the United States yet identified any property that could be forfeited as a substitute asset in accordance with 21 U.S.C. § 853(p).

5. Accordingly, the United States seeks the entry of a Final Order of Forfeiture consisting of a personal money judgment against Oliver in the amount of \$6,468,186.33.

6. The entry of a Final Order of Forfeiture in the form of a personal money judgment is specifically authorized by Rule 32.2(b)(1) and (c)(1) of the

Federal Rules of Criminal Procedure. Such orders of forfeiture are commonplace. *See United States v. Baker*, 227 F.3d 955, 969-970 (7th Cir. 2000) (a forfeiture order may include a money judgment for the amount of money involved in the money laundering offense; the money judgment acts as a lien against the defendant personally for the duration of his prison term and beyond); *United States v. Candelaria-Silva*, 166 F. 3d 19, 42 (1st Cir. 1999) (criminal forfeiture order may take several forms: money judgment, directly forfeitable property, and substitute assets).

7. Once the Final Order of Forfeiture is entered, the government may move at any time, pursuant to Rule 32.2(e)(1)(B), to amend the Order to forfeit specific property of the defendant, having a value up to the amount of the money judgment, as substitute assets. *Candelaria-Silva*, 166 F. 3d at 42 (once the government has obtained a money judgment, it may forfeit defendant's real property in partial satisfaction of that judgment).

WHEREFORE, by virtue of the plea agreement and the determination of the amount of money derived from the offenses for which Oliver has been convicted, a money judgment should be entered against him.

Accordingly, the United States respectfully requests that this Court enter a final order of forfeiture as proposed.

DATED this 23rd day of July, 2014.

MICHAEL W. COTTER
United States Attorney

/s/ Timothy J. Racicot
Assistant U.S. Attorney
Attorney for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on July 23, 2014, a copy of the foregoing document was served on the following persons by the following means:

(1,2) CM/ECF
() Hand Delivery
() U.S. Mail
() Overnight Delivery Service
() Fax
() E-Mail

1. Clerk, U.S. District Court
2. Milton Datsopoulos
Peter F. Lacny
Datsopoulos, MacDonald and Lind, P.C.
201 West Main Street, Suite 201
Central Square Bldg.
Missoula, MT 59802

/s/ Timothy J. Racicot
Assistant U.S. Attorney
Attorney for Plaintiff